



United States Department of Agriculture
Rural Development
Pennsylvania State Office
www.rurdev.usda.gov/pa

PA AN 1201
(1940-G, 1794, 2006-P)
February 1, 2005

SUBJECT: Civil Rights Impact Analysis and Environmental Justice

TO: All Pennsylvania Rural Development Employees

PURPOSE/INTENDED OUTCOME:

The purpose of this AN is to provide clarification on the proper completion of Form RD 2006-38, "Civil Rights Impact Analysis Certification" and is applicable to RD actions involving grants, contracts, loans (direct and guaranteed), prepayments, distributions of allocations, or project approvals, disapprovals and/or certain servicing actions that require compliance with DR 5600-002, E.O. 12898 and RD Instruction 2006-P.

The form is NOT required for direct or guaranteed Single Family Housing loans/grants. It is also not required for a servicing action (transfer, assumption, subordination, etc.) unless civil rights concerns in regard to environmental justice have been identified or unless there is an environmental justice complaint.

COMPARISON WITH PREVIOUS AN:

This AN replaces previous PA AN 1128(2006P) issued on the subject matter. National office issued AN No. 3776 (2006-P) on August 1, 2002.

IMPLEMENTATION RESPONSIBILITIES:

RD Instruction 2006-P requires that a Civil Rights Impact Analysis be conducted prior to approving or implementing a wide range of Agency activities. The Civil Rights Impact Analysis must be documented on Form RD 2006-38.

Executive Order (E.O.) 12898, "Environmental Justice", requires each Federal agency to identify and address disproportionately high and adverse human health or environmental effects of its programs, policies and activities on minority and low income populations.

Departmental Regulations 5600-2 provides further guidance on implementation of E.O. 12898.

Expiration Date: February 28, 2006

FILING INSTRUCTIONS:
Preceding RD Instruction 1940-G, 1794, 2006-P

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ACTION REQUIRED:

Form RD 2006-38 must be completed prior to loan approval, obligation of funds, or other commitment of agency resources, including issuance of a Letter of Conditions or issuance of a Conditional Commitment of Guarantee, or a commitment letter to an interim lender, whichever occurs first. The applicant/ borrower may be asked to supply additional data as part of the analysis, such as providing documentation on selection criteria for the site and locating on the map all alternate sites considered. Documentation supporting the analysis and conclusions on Form RD 2006-38 must be attached to the form. At a minimum, this will include current census data for the area and a U.S.G.S. map of the service area. The map will identify the selected site, the area of potential impact (direct impact area) and any nearby adverse environmental hazards (i.e., waste dumps, treatment facilities, brownfields, industrial facilities producing hazardous materials, etc.). If there are isolated areas of low-income or minority communities, it will also be shown on the map. (You may simply refer to the map in the environmental assessment provided it contains all of the required information.) All Class II environmental assessments must cross-reference Form RD 2006-38 in Section IV (7). All Environmental Reports (ER) must also cross reference the form in Section 3.8

Form RD 2006-38 will be signed by the State Director or an official designated to certify on his or her behalf. The loan approving or servicing official can certify those actions completed at the field offices that do not require State Office approval.

Mail one copy of the form to the State Civil Rights Coordinator (SCRC) and attach the original form and supporting documents to the environmental review document, if one is required for the proposed action. Please add the loan type (e.g., CF, MFH, RBEG) and the date of loan approval at the top of the form.

If you have any questions concerning this AN, please contact Korah Abraham, SEC, or Bob Schoenfeldt, SCRC.

/s/ Byron E. Ross

BYRON E. ROSS
State Director